

JC796 U.S. PTO  
11/08/01

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JC986 U.S. PTO  
10/005534  
11/08/01

DOCKET NO.: EGGL-0001D2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anticipated Classification of  
this application:  
Class: 251 Subclass: 317

Philip W. Eggleston

Prior Application  
Examiner: Keasel, E.

For:

ROTARY VALVE APPARATUS

Art Unit: 3754

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Commissioner for Patents  
Washington, D.C. 20231

**RULE 53(b) TRANSMITTAL LETTER**

Sir: This is a request for filing a

Continuation

Divisional application, under 37 CFR 1.53(b), of pending prior  
application Serial No. 09/772,782, filed on January 30, 2001 of Philip W.  
Eggleston entitled ROTARY VALVE APPARATUS.

1. (XX) Enclosed is a copy of the prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers comprise a true copy of the prior application Serial No. 09/772,782, as originally filed on January 30, 2001, and that no amendments referred to in the Oath or Declaration filed to complete the prior application introduced new matter therein.

**The filing fee is calculated below, at the small entity rate, on the basis of claims as filed in the prior application, less any claims cancelled by amendment listed below, plus any claims added by any preliminary amendment listed below:**

| FOR                           | NO. FILED | NO. EXTRA | RATE  | FEE   |
|-------------------------------|-----------|-----------|-------|-------|
| BASIC FEE                     |           |           | \$370 | \$370 |
| TOTAL CLAIMS                  | 10-20     | 0         | \$ 9  | 0     |
| INDEP. CLAIMS                 | 1-3       | 0         | \$ 42 | 0     |
| MULTIPLE DEPENDENT CLAIMS = 0 |           |           | \$140 | 0     |
|                               |           |           | TOTAL | \$370 |

2. (XX) Verified Statement Claiming Small Entity Status is enclosed herewith.
3. ( ) Verified Statement Claiming Small Entity Status was filed in the parent case.
4. ( ) Please charge my Deposit Account No. 11-1543 in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed herewith.

5. (XX) A check in the amount of \$ 370 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
6. (XX) The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.
- (XX) Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
7. (XX) The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- ( ) The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- (XX) Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.
8. (XX) Cancel in this application original claims 1-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. (XX) Amend the specification by inserting before the first line the sentence: --This is a ( ) continuation, (XX) division, of application Serial No. 09/772,782, filed January 30, 2001, such prior application being incorporated by reference herein in its entirety.--

10.  Transfer the formal drawings previously filed in the prior application to this application.
- New formal drawings are enclosed.
11.  Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of the base issue fee.)
12.  Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. Section 119. (country)
- The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
13.  The prior application is assigned of record to \_\_\_\_\_.
14.  Power of attorney in the prior application was given to J. Richard Konneker, Registration No. 28,867 and Marlin R. Smith, Registration No. 38,310.
- The power appears in the original papers in the prior application.
- Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
15.  Address all future communications to:

J. Richard Konneker, Esq.  
KONNEKER & SMITH, P.C.  
660 N. Central Expwy. - Suite 230  
Plano, Texas 75074  
972/516-0030

16. ( ) A preliminary amendment is enclosed. Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.
17. ( ) A Petition for Extension of Time has been filed in the parent application, Serial No. \_\_\_\_\_ filed \_\_\_\_\_. A copy of the Petition for Extension of Time is enclosed.

Respectfully submitted,

KONNEKER & SMITH, P.C.



J. Richard Konneker  
Attorney of Record for Applicant  
Registration No. 28,867

Dated: November 8, 2001

KONNEKER & SMITH, P.C.  
660 N. Central Expwy. - Suite 230  
Plano, Texas 75074  
972/516-0030

CERTIFICATE OF MAILING BY "EXPRESS MAIL": Express Mail Mailing Label No.: EL837807619US

Date of Deposit November 8, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Diane Sutton  
Type or Print Name  
Diane Sutton  
Signature